

REMARKS

Review and reconsideration on the merits are requested.

Basis for Claim Amendments

The limited definition of substitutents R₂ in formula (I) may be found at page 10, line 11 to page 11, line 9.

The inclusion of the octadecanyl group in claim 7 is supported at least by the use of (2S,3R)-2-(2-hydroxyhexadecanoyl)aminoctadecane-1,3-diol in the composition of Examples 6 and 7, as described in Table 3 at page 27 of the present specification.

The combination of two different ceramides in the lipid composition is supported by working Example 6 and 8 at pages 26-28 of the present specification. Additional support for the use of a combination of ceramides can be found at page 13, lines 14 and 15, which states that “[t]hese compounds can be used either individually or as a combination of two or more thereof”, when describing specific compounds of the presently claimed invention.

The Rejection

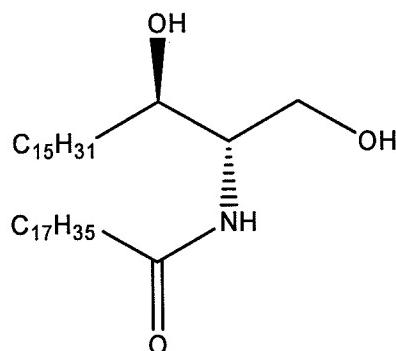
Claims 7 and 12-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakamura et al. (U.S. Patent No. 5,294,444, “Nakamura”) in view of Kaneko et al. (U.S. Patent No. 6,355,232, “Kaneko”).

Traversal

Applicants respectfully respond as follows.

Upon entry of the amendment, present claim 1 will recite a lipid composition containing a ceramide of formula (I), wherein the amino group of the ceramide is substituted with a hydroxyl-containing acyl group. Furthermore, the ceramide of formula (I) may be used in combination with a second ceramide, of formula (II), in which the acyl group is unsubstituted. Support for the above lipid compositions can be found at working Examples 6 and 8 of the present specification, as well as page 3, lines 14 and 15.

In this regard, Applicants respectfully submit that limiting the scope of claim 7 as above distinguishes it over Kaneko, which discloses a ceramide of formula



Therefore, even if Nakamura was combined with Kaneko, Applicants respectfully submit that the rejection is flawed for the following reason: there is no motivation or suggestion in the prior art to modify the Kaneko compounds to reach the ceramide, or combination of ceramides, as presently claimed.

Considering the amendments to the claims and the above arguments, withdrawal of the §103 rejection, and allowance is respectfully requested.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No.: 09/848,225

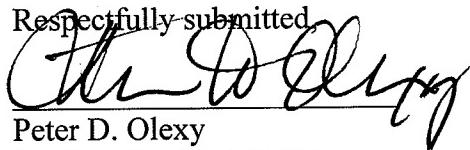
Attorney Docket No.: Q64175

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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